

Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERS July 6.doc

024522

Karen Lynn-Dyson/EAC/GOV
07/12/2005 05:08 PM

To "Tom O'Neill" [REDACTED]
cc "Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura"
bcc
Subject Re: Peer Review Group [REDACTED]

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill" [REDACTED]

07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" [REDACTED], "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

024523

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not

appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.



PROPOSED MEMBERSJuly6.doc

REVISED
PROPOSED MEMBERS OF PEER REVIEW GROUP
July 6, 2005

Role of the Peer Review Group

Members of the Peer Review Group will review the research design for the project, including the survey of local election officials, the analysis of Voter ID regime on turnout, the state-by-state narrative of developments in provisional voting and voter identification, and the compilation and analysis of statutes, administrative regulations, and case law affecting provisional voting and voter identification. They will also review the report on Analysis and Alternatives. They may review the draft of the Preliminary Guidance Document before it goes to the Board of Advisors for comment.

Members of the group will be respected authorities in their fields and represent a range of opinions and perspectives, although their views on policy will be less important to the study than their views on the quality of the research on which policy recommendations are based.

Ideally, the group would meet once, but even that may not be possible to arrange given the tight time period for the project, the demanding schedules of the members, and their wide dispersal across the county. They will function largely by reviewing written work and making written comments on it. The timing of their involvement is indicated on the work plan.

R. Michael Alvarez, Ph.D.

Professor of Political Science
California Institute of Technology
rma@hss.caltech.edu
626-395-4422

Alvarez has taught political science at Caltech since 1992. He received his B.A. in political science from Carleton College, his M.A. and Ph.D. from Duke University. Alvarez focuses on the study of electoral politics. He has published many articles on electoral behavior and public opinion. Support for his research has come from the National Science Foundation, The IBM Corporation, the Carnegie Corporation, of New York, and the Knight Foundation. Alvarez edits the Analytical Methods for Social Research book series and is on the editorial boards of a number of academic journals. He is Co-Director of the Caltech-MIT Voting Technology Project

Guy-Uriel E. Charles

Associate Professor
School of Law
University of Minnesota
342 Mondale Hall
229-19th Avenue South
Minneapolis, MN 55455
612-626-9154
gcharles@umn.edu

Charles teaches and writes on election law, law and politics, and race. He received his B.A. degree in Political Science, *cum laude* from Spring Arbor University and his J.D. from the University of Michigan Law School, where he was Editor-in-Chief of the *Michigan Journal of Race & Law*. He is completing a PhD in political science from the University of Michigan.

Brad Clark

Professor of Law
George Washington University School of Law

Clark received his B.A. in Political Science from Florida State University and his J.D. from Columbia Law School in 1985. He served as a law clerk to the Judge Robert H. Bork on the US Court of Appeals and went on to clerk for Justice Antonin Scalia on the Supreme Court. He has been on the faculty at George Washington University Law School for 12 years, where he has taught Constitutional Law, Federal Courts, and Civil Procedure.

Pamela Susan Karlan

Montgomery Professor of Public Interest Law
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305-8610
(650) 725-4851
karlan@stanford.edu

Formatted

Karlan's principal subjects include legal regulation of the political process. She earned her BA, MA, and JD at Yale University, and was previously a Professor at the University of Virginia. She serves on the California Fair Political Practices Commission and is a Cooperating Attorney with the NAACP Legal Defense and Education Fund. She has also been a lecturer at the FBI National Academy. Among her publications, she is a co-author of *When Elections Go Bad: The Law of Democracy and the Presidential Election of 2000*.

Martha E. Kropf, Ph.D.

Assistant Professor of Political Science
University of Missouri-Kansas City
816-235-5948; KropfM@umkc.edu

Kropf has been on the faculty at Missouri since 1999. She received her BA Summa Cum Laude, Phi Beta Kappa from Kansas State University and her PhD in Political Science from American University. Her work concentrates on Research Methods, Urban Politics, American Government, and Political Behavior. Before joining the faculty at Missouri, she was Project Coordinator at the University of Maryland Survey Research Center. She has published recent on undervoting in presidential elections, and on invalidated ballots in the 1996 presidential election, and on the incremental process of election reform in Missouri.

Deleted: Deborah Goldberg, Ph.D.
Program Director, Democracy Program
Brennan Center for Justice at NYU School of Law
161 Avenue Of The Americas, 12th Floor
New York, NY 10013
212-998-6730
Goldberg supervises the Democracy Program's litigation, scholarship, and public education. She was the principal author of *Writing Reform: A Guide to Drafting State & Local Campaign Finance Laws*, and was lead counsel to the intervenor in the Supreme Court case *Nixon v. Shrink Missouri Government PAC*. She serves on the Steering Committee of a coalition to restore voting rights to persons with past felony convictions. Goldberg is a graduate of Harvard Law School. Before joining the Brennan Center, she was in private practice. She holds a Ph.D. in philosophy and taught ethics at Columbia University.

Daniel H. Lowenstein

Professor of Law
School of Law
University of California, Los Angeles
Box 951476
Los Angeles, CA 90095-1476
(310) 825-4841

Among other courses, Lowenstein teaches Election Law. His textbook, *Election Law* has become a standard in the field. He earned his A.B. at Yale and his LL.B. at Harvard. While working for California's Secretary of State he was the main drafter of the *Political Reform Act* in 1971. He was the first chair of the Fair Political Practices Commission. He has served on the national governing board of Common Cause. He has written on such topics as campaign finance, redistricting, bribery, initiative elections, and political parties.

John F. Manning

Professor
Harvard Law School

Now at Harvard, Manning was appointed Assistant Attorney General for the Office of Legal Counsel by President Bush in 2001. He had been Professor of Law at Columbia Law School. Had had served as Assistant to the Solicitor General of the United States and was an Attorney-Adviser in the Office of Legal Counsel at the Department of Justice during the administrations of President George H. W. Bush and President Reagan. He is a graduate of Harvard College and Harvard Law School.

Tim Storey

Program Principal
Legislative Management Program
National Conference of State Legislatures
7700 East First Place
Denver, CO 80230
303-364-7700
or
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
202-624-5400

Peter G. Veniero, Esq.

Counsel
Sills, Cummis, Epstein and Gross, PC
One Riverfront Plaza
Newark, New Jersey 07102
Tel: 973- 643-7000

Verniero chairs the firm's Appellate Practice Group. He earned his B.A. at Drew University, Phi Beta Kappa, and his J.D. (with honors) at the Duke University School of Law. In 1999, he was appointed a justice of the New Jersey Supreme Court, where he served for 7 years before re-entering private practice. Before his appointment to the Supreme Court, he served as New Jersey's Attorney General, and in that capacity oversaw the state's election laws. He also served as Chief of Staff and Chief Counsel to Governor Christine Todd Whitman.

Plus one or two former, senior election officials to be suggested by the EAC

Deleted: Wade Henderson, Esq.
Executive Director
Leadership Conference on Civil Rights
1629 K Street, NW, 10th Floor
Washington, DC 20006
Wade Henderson is the Executive Director of the LCCR and Counsel to the Leadership Conference on Civil Rights Education Fund (LCCREF), and leads the organizations' work on issues involving nationwide election reform. He is a graduate of Howard University and the Rutgers University School of Law. During its over 50 years of existence, LCCR has worked to redefine civil rights issues in broad and inclusive ways. Today, it includes over 180 national organizations. Previously Henderson served as Washington Bureau Director of the NAACP. He began his career as a legislative counsel of the ACLU.

Kay Maxwell
President
League of Women Voters of the U.S.
1730 M Street NW, Suite 1000
Washington, DC 20036-4508
202-429-1965
Kay J. Maxwell has been a member of the League since 1976. She attended Smith College and earned a B.A. in International Relations from the University of Pennsylvania. She has conducted civic participation training for women leaders in Bosnia, Israel, the West Bank, Rwanda, Kuwait and Jamaica. She has also served as vice president at the International Executive Service Corps (IESC), an international economic development organization. She is a board member of DC Vote, and the New Voters Project.

Deleted:

Karen Lynn-Dyson/EAC/GOV
07/13/2005 11:04 AM

To "Tom O'Neill" [REDACTED]
cc Carol A. Paquette/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC
bcc
Subject RE: Peer Review Group [REDACTED]

Tom-

I will take up the matter of next steps with the Peer Review Group, with Tom Wilkey, the EAC Executive Director ASAP.

I will have an answer regarding the EAC's suggested next steps on how to proceed on this matter as quickly as possible.

Regards-

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"

<[REDACTED]>
07/12/2005 07:17 PM

To cpaquette@eac.gov
cc ireed@rutgers.edu, john.weingart@rutgers.edu,
klynndyson@eac.gov, [REDACTED]
foley.33@osu.edu, rmandel@rci.rutgers.edu
Subject RE: Peer Review Group

Carol,

I sent you the email on the Peer Review Group because you asked me to. When we discussed the issue in New York, you told me to send to you in writing our response to the Commission's suggestions for a new, more elaborate review process. I believe I copied Karen on that email.

Learning now, almost a week later, that you have taken no action is disheartening. As you know, our schedule is tight, and we need the counsel the Peer Review Group can provide. I hope, therefore, that Karen will take immediate action to resolve the situation so we can begin to recruit the review group in time to assure the quality of the resource design.

024529

Tom O'Neill

-----Original Message-----

From: cpaquette@eac.gov [mailto:cpaquette@eac.gov]

Sent: Tuesday, July 12, 2005 6:37 PM

To: klynndyson@eac.gov

Cc: Foley, Ned; reed, ingrid; Weingart, John; Laura Williams; Mandel, Ruth; Tom O'Neill

Subject: Re: Peer Review Group

Karen, Tom -

I am not taking any action on the email Tom sent a few days ago regarding the Peer Review Group because the Eagleton project is not my responsibility. As I indicated earlier to Karen, I didn't know why this was sent to me since Karen is the Project Manager. I endorse her comment below regarding the need for including her in all correspondence with anyone at the EAC regarding the project.

When I was the Interim Executive Director it was part of my job to stay on top of all EAC project work. I now have other responsibilities at the EAC, and while I am happy to continue involvement in other projects for continuity and transition purposes as needed, that needs to be very limited. My involvement with the Eagleton work has only been from the contracting perspective, and that is the only continuing role I have. Any substantive project activities have to be taken up with Karen.

Carol A. Paquette
U.S. Election Assistance Commission
(202)566-3125 cpaquette@eac.gov

Karen
Lynn-Dyson/EAC/GOV

07/12/2005 05:08 PM

To "Tom O'Neill" <[REDACTED]>
"Paquette, Carol" <cpaquette@eac.gov>, "Foley, Ned" <foley.33@osu.edu>, "reed,
cc:ingrid" <ireed@rutgers.edu>, "Weingart, John" <john.weingart@rutgers.edu>, "Laura
Williams" <[REDACTED]> "Mandel, Ruth" <rmandel@rci.rutgers.edu>
Subject: Re: Peer Review Group [Link](#)

024530

Tom-

I trust you are in contact with Carol and Julie regarding the information on the Peer Review Group and the July 28 hearing at Cal/Tech that you have requested of them, respectively.

While the EAC is a small agency with relatively few reporting layers, I suggest that for all future items requiring feedback and decisions from the EAC, that you are certain to carbon copy me on all e-mails.

This will ensure, that as your primary point of contact, I have a record of all communication that has taken place between the contractor and the agency.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill"


07/08/2005 03:41 PM

To "Paquette, Carol" <cpaquette@eac.gov>
cc "Laura Williams" <lauracw@columbus.rr.com>, "Weingart, John" <john.weingart@rutgers.edu>, "reed, ingrid" <ireed@rutgers.edu>, "Mandel, Ruth" <rmandel@rci.rutgers.edu>, "Lynn-Dyson, Karren" <klynndyson@eac.gov>, "Foley, Ned" <foley.33@osu.edu>
Subject Peer Review Group

Carol,

After our discussion in New York, you asked me to put in writing our response to the EAC's suggestions for expanding the number and kinds of groups that would review and comment on our work. I hope after your review of this response, we will be able to quickly recruit a balanced

024531

Peer Review Group (PRG) and move ahead as the schedule in our work plan indicates. Attached is a revised list of the members we propose for appointment to the PRG. We will probably not be able to persuade all of them to serve, but the number and range of views included on the proposed list should ensure that the resulting group is well-balanced.

Tom

RESPONSE TO EAC RECOMMENDATIONS FOR ADDITIONAL REVIEW GROUPS

EAC's Recommendations for the PRG

Karen Lynn-Dyson reported this response from the EAC commissioners to our proposal for the composition of the PRG.

1. Not sufficient conservative representation on the PRG
2. Create a "tiered process" of review in which:
 - A. The PRG will prepare a dispassionate analysis of the issues and draw some tentative conclusions.
 - B. PRG's analysis would be vetted by a defined/select group of local election officials.
 - C. A defined/select group of advocacy organizations would review the comments of the local election officials
 - D. Empanel a final focus group of local election officials, advocates and academics for an overall, interactive reaction to the analysis and recommendations.

Project Team Response

Creating three new committees to the review process to supplement the work of the Peer Review Group (PRG) is possible, but would add at least 8 weeks --and possibly 12 weeks-- to our completion of the guidance document on provisional voting. We believe this delay would risk limiting the value of this project for the 2006 election. In addition, the change would add at least \$30,000 to the cost of our work. (See the attached table showing the possible effect on our work plan, and note the optimistic assumptions such as the ability to hold a hearing the week after Christmas.). If the same groups were to be engaged in reviewing our work on Voter ID, the time for that work would also have to be stretched at a similar increased cost.

This additional cost and the added time might be worthwhile. . . if the new layers of review were to produce a consensus on how to strengthen the research, sharpen the analysis, and increase the relevance of the Guidance Document. Our team concluded, however, that additional review groups were unlikely to achieve these results.

PRG focuses on quality of research

We believe that our research would be strengthened by a balanced Peer Review Group that will focus on the design of the research and our conduct of it. Based on the EAC's recommendation, we have revised the composition of the PRG to include additional, well-recognized authorities in the field whose perspective is generally agreed to be conservative.

The PRG will focus on the strength of the research design and the quality of our analysis, not on the politics of our recommendations for the guidance document. The PRG will critique the research design and suggest how to strengthen it. Members of the group will review the quality of our analysis so that we can fill holes and correct errors before we make policy recommendations to the EAC. The PRG may or may not meet as a group. The likelihood is that most comments will come in writing from individual members, most of whose schedules would not permit attendance

at meetings. In any case, the PRG members will not gather around a table to come to consensus on the study's recommendations.

While using the PRG as a forum to reach consensus on the knotty issues involved does not appear practical, the EAC can benefit from the work of other groups in this regard. It is not necessary for this project to duplicate the deliberative processes of the Carter-Baker Commission, the Century Foundation and the Election Center. The EAC itself as well as the project team can get the benefit of these reports without duplicating this "policy evaluation board" structure as part of this contract.

Project Team focuses on analysis and recommendations

Karen reported that the Commissioners believed that the PRG would "prepare a dispassionate analysis of the issues and draw some tentative conclusions." As we see it, the PRG will neither analyze data nor draw conclusions, tentative or otherwise. Its members will review and comment on how the Project Team has designed and carried out the research. Analysis, conclusions and recommendations are the responsibility of the Project Team. We have all seen in the preface to books or articles a sentence or two that read something like this, "The author thanks Mr. X, Ms. Y, and Dr. Z for their review and comment on the manuscript. Their analysis has strengthened the work, but they are in no way responsible for errors or for my conclusions." That is the way we think about the Peer Review Group.

In short, the PRG will help ensure that EAC's Guidance Document is founded on a solid base of data and analysis. The review and comment on the Preliminary Guidance Document by the EAC's Board of Advisors and Standards Board will provide participation by important stakeholder groups without the need for the other review committees. This Board is broad-based and represents a key stakeholder group. It also enjoys a significant advantage over a "defined/select" group we might empanel. Any group we define will be open to criticism or charges of bias by representatives of interest groups not represented.

The criticism and charges of bias might be tolerable, but only if we could expect consensus from the "defined/select" group we would appoint. We believe that consensus would be elusive. In empanelling a "defined/select" group, we would naturally look for balance and would appoint members to represent a point of view or an institutional interest. As representatives they would likely feel that they had little choice but to be strong advocates. They would have little incentive to compromise. Our research, as opposed to our policy recommendations, would be better served by the analysis of scholars than by the advocacy of interests.

Policy judgments

We regard the EAC itself as responsible for the policy judgments involved in shaping the Guidance Document. We plan, of course, to respond to the EAC's comments on our preliminary draft, so that the EAC's comments will shape the Preliminary Guidance Document before it is released for public comment. And further revision will follow the public hearing and comments. The EAC and individual Commissioners can always seek comment informally on our analysis or recommendations. That course appears to us preferable to the creation of a new, more elaborate review process.

Karen Lynn-Dyson/EAC/GOV
07/15/2005 02:48 PM

To "Tom O'Neill" <[REDACTED]>
cc Thomas R. Wilkey/EAC/GOV@EAC, Diana
Scott/EAC/GOV@EAC
bcc
Subject Re: [REDACTED]

Tom-

I don't anticipate a problem with this re-allocation of funds. I will, however, check with our financial officer to be certain that such a re-allocation is permissible.

I will let you know shortly.

Regards-

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"
[REDACTED]
07/14/2005 02:31 PM

To klynndyson@eac.gov
cc arapp@rci.rutgers.edu
Subject

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.


The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will

024534

improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

Karen Lynn-Dyson/EAC/GOV
07/15/2005 03:21 PM

To [REDACTED]
cc Thomas R. Wilkey/EAC/GOV@EAC
bcc
Subject Re: Composition of the Eagleton Peer Review Group 

Tom-

This e-mail will reiterate our conversation of this morning.

After a close review of your e-mail of July 12th, EAC staff determined that it is appropriate for the Eagleton/Moritz team to proceed with the composition of its Peer Review Group as it deems suitable and necessary. EAC staff will assume that your team is satisfied that it has created a politically and ideologically balanced group to review your work.

EAC staff, the Commissioners, the Advisory and Standards Boards will, we are certain, have opportunities to review the findings and analyses that your team creates, at critical junctures during the process.

Enjoy your weekend.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024536

Karen Lynn-Dyson/EAC/GOV
07/15/2005 03:25 PM

To [REDACTED]
cc
bcc
Subject Re: Invitation to Tom Wilkey

Tom-

Thanks for sharing this information with me and for keeping me apprised of the activities, interests and concerns of the team.

FYI-

I'm not certain who is on board to attend the meeting at Cal Tech; Ruth and the others may wish to find a time that Tom would be available to meet with folks then.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED] >



"Tom O'Neill"
[REDACTED]
07/15/2005 02:39 PM

To klynndyson@eac.gov
cc
Subject Invitation to Tom Wilkey

Karen,

For your information, Ruth Mandel, Director of the Eagleton Institute of Politics, sent the letter below to Tom Wilkey this afternoon. It is an invitation for him to meet with the project team in August at Rutgers.

Have a good weekend.

Tom O'Neill

I'm writing on behalf of my colleagues at the Eagleton Institute of Politics to send congratulations on your appointment as Executive Director of the Election Assistance Commission and to extend a warm

024537

invitation for you to visit the Institute to meet our research team. The Eagleton Institute and our partners at the Moritz College of Law are delighted to have been selected to provide research services to the EAC for developing guidance to the states on provisional voting and voter identification requirements.

The Eagleton and Moritz team conducting the research and analysis would appreciate an opportunity to discuss the project with you so that we can gain a full understanding of your perspective on this work and make our research as useful as possible for you, the EAC, the states, and eventually the voters.

I understand that you continue to travel between New York and Washington, which would make a visit to Eagleton simple to arrange. Since the Rutgers campus in New Brunswick is not far from the Metropark Amtrak station, we could easily pick you up at Metropark and return you at the end of the visit. Our Moritz partners would also attend.

The agenda for such a meeting could include a briefing on our progress, discussion of challenges to be met, and a conversation about your goals for this research. We believe that the earlier in the research process we can arrange to meet, the better for the project.

I hope you agree that a meeting in the near future would be useful, and that you like the idea of a visit to the research site. If so, we can search for convenient dates in the next few weeks, perhaps starting with the possibility that you would be available on August 12, 15, or 16.

We all look forward to continuing our work together on this worthwhile project.

Ruth B. Mandel

Director, The Eagleton Institute of Politics

Board of Governors Professor of Politics

Karen Lynn-Dyson/EAC/GOV

07/15/2005 03:53 PM

To "Tom O'Neill" [REDACTED]

cc Diana Scott/EAC/GOV@EAC, Carol A.
Paquette/EAC/GOV@EAC

bcc

Subject Re: Request for reallocation within existing budget

Tom-

EAC contract staff indicate that the reallocation you propose can occur and that all other such reallocations that are made from your project budget for this contract budget can be done at your own discretion.

From a contractual standpoint, EAC's only concern is that Eagleton is able to accomplish all of the activities and provide all of the deliverables that have been set forth in your contract.

Regards-

Karen Lynn-Dyson
Research manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024539

Karen Lynn-Dyson/EAC/GOV

07/15/2005 04:16 PM

To Thomas R. Wilkey/EAC/GOV@EAC, Juliet E. Thompson/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Adam Ambrogio/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC
bcc

Subject Fw: Eagleton Institute June 2005 Progress Report

Should any of you all need or want a sense of what Eagleton has done on provisional voting and voter identification in preparation for the Cal Tech meeting, attached is their June monthly report.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

— Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/15/2005 03:57 PM —



"Lauren Vincelli"
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill"
john.weingart@rutgers.edu

Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237

024540

Fax: (732) 932-1551



ProgressReport_JUNE2005_EagletonInst.doc



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JUNE 2005**

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An *Election Law@Moritz* Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared the proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project is the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

024550

Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and a website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com,

024551

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant⁹ and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

Karen Lynn-Dyson/EAC/GOV

To Juliet E. Thompson/EAC/GOV@EAC

07/19/2005 09:56 AM

cc

bcc Thomas R. Wilkey/EAC/GOV@EAC

Subject Two items

Hi-

Two items, one professional, one social:

1. By contract, Eagleton is to arrange a public meeting to receive public comment on the draft guidance for provisional voting they have helped draft for the EAC. Could you let me know what work they have performed for the EAC in preparation for next week's public meeting on provisional voting? Could you also let me know how, if at all, you envision the presentations from next week's meeting informing Eagleton's work and EAC's preparation of guidance on provisional voting?

Thanks

2. Tomorrow I'm going to go to Brooke Rental in Vienna to order the table and chairs for the EAC picnic. How many tables and chairs do you want me to order? Also, let me know the precise date, time and location to where I should have the items delivered. Can you think of anything else you'd like me to order from them? (e.g. tablecloths, large containers to hold cold beverages, disco dancing balls, tacky champagne fountains, etc.)

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024553

Karen Lynn-Dyson/EAC/GOV

To Joseph D. Hardy/EAC/GOV@EAC

07/20/2005 12:36 PM

cc

bcc

Subject Fw: Eagleton Institute June 2005 Progress Report

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

----- Forwarded by Karen Lynn-Dyson/EAC/GOV on 07/20/2005 12:34 PM -----



"Lauren Vincelli"
<Vincelli@rutgers.edu>

07/14/2005 04:43 PM

Please respond to
Vincelli@rutgers.edu

To klynndyson@eac.gov

cc "Tom O'Neill"
john.weingart@rutgers.edu

Subject Eagleton Institute June 2005 Progress Report

Ms. Dyson,

Attached please find the June 2005 Progress Report for the project entitled, "Contract to Provide Research Assistance to the EAC for the Development of Voluntary Guidance on Provisional Voting and Voter Identification Procedures." If you have any questions regarding any part of this document please direct them to Tom O'Neill at: [REDACTED]

The financial reporting for this project is performed by the Division of Grant and Contract Accounting at Rutgers University. A copy of this report was not made available to us in an electronic format. Hard copies of the Progress Report and Financial Report have been Fedex'ed to you this afternoon and should arrive to your attention tomorrow morning. Please let me know if you do not receive this package by tomorrow afternoon.

Thank you for your time, have a great evening.

Best,
Lauren Vincelli

Lauren Vincelli
Business Assistant, Eagleton Center for Public Interest Polling
Eagleton Institute of Politics, Rutgers University
Carriage House, 185 Ryders Lane
New Brunswick, NJ 08901
Phone: (732) 932-9384, ext. 237
Fax: (732) 932-1551



ProgressReport_JUNE2005_EagletonInst.doc

024554



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to The EAC
For the Development of Voluntary Guidance on
Provisional Voting and Voter Identification Procedures*

**MONTHLY PROGRESS REPORT
JUNE 2005**

**For
UNITED STATES ELECTION ASSISTANCE COMMISSION**
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

July 14, 2005

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

024555

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.4
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from the start of the project on May 26 through June 30, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

The objective of the contract is to assist the EAC in the collection, analysis and interpretation of information regarding HAVA provisional voting and voter identification requirements on which to base policy recommendations as guidance for the states in the conduct of the 2006 elections. The work has begun well, thanks to the clarity of the EAC's expectations and the strong collaboration by the scholars and staff at the Eagleton Institute of Politics at Rutgers, The State University of New Jersey, and the Moritz College of Law at the Ohio State University.

The document report is divided into 4 sections that cover: Provisional Voting, Voter Identification Requirements, Project Management, and the Financial Report. Each section references the specific tasks described in paragraph 3 of the contract.

Please direct any questions or comments about this report to Tom O'Neill at: tom_oneill@verizon.net or (908) 794-1030.

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to provisional voting. Work on the first of these must be complete before proceeding to later tasks. The work plan provides for two months to complete Task 3.4. Work on this task is on schedule.

Task 3.4: Collect and analyze state legislation, administrative procedures, and court cases. Understand the disparities and similarities of how provisional voting was implemented around the country.

LEGISLATION, REGULATIONS, AND LITIGATION

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task. It also will provide a base of understanding for the analysis of states' actual experience with provisional voting in 2004, for which the Eagleton team has lead responsibility.

Description: The Moritz team includes faculty, an executive administrator, a reference librarian, and several research assistants. It began immediately to compile statutes, case law and administrative procedures regarding Provisional Voting. The team has created a 50 state chart to summarize information on provisional voting. Categories for which state statutes and administrative procedures are being reviewed include:

- *When did the state create a system compliant with the HAVA provisional ballot requirements?*
- *Who may be eligible to cast a provisional ballot? and*
- *What is the process for discovering whether your provisional ballot was counted in the election?*

Progress: Initial research for 27 states, including the collection of provisional voting statutes is complete. This phase of the work is on schedule for completion by August 1. By the beginning of the week of July 11, Moritz's full time research assistant will move from voter identification research to gathering and organizing case law on provisional voting.

Challenges: Identifying the relevant statutes has been challenging; states use different terminology to codify provisional voting issues. Many states have scattered election law provisions throughout their codes. This variation from state to state makes creating a snapshot view across states a challenge. The team is meeting this challenge, and the work is on schedule.

PREPARATION FOR AND EXPERIENCE WITH PROVISIONAL VOTING

The Eagleton team is constructing a narrative description for each state of the 50 states and the District of Columbia. It is also surveying a stratified random sample of county election officials to improve its understanding of actual practice in administering provisional voting.

Description: To construct the narratives, a researcher is examining newspaper accounts, state websites, and reports from third-party organizations to determine what information is publicly available about these issues during the 2004 election. To organize the information derived from this examination, we are creating an information system that will make it possible to catalog the basic information about the states (i.e. whether a state was new to provisional voting, the percentage of provisional votes counted, the method of notifying voters if their vote was counted, etc.) and combine it with Moritz's collection and analysis of statutes, regulations and litigation. The information system will make it possible to provide answers to such topics of particular interest listed in the contract as: How did preparation for provisional voting vary between states that had some form of provisional voting and those that did not?" and "How did litigation affect implementation?"

Progress: The researcher in this area has identified sources of information for every state and the collection process is well underway. Verified database entries for 24 states are complete, as are two state narrative summaries. This phase of the research is on schedule for completion by the end of July.

Challenges: A key challenge is determining just what states actually did in practice to verify and count provisional ballots. A second challenge has been determining the variations in policy within individual states. We are still wrestling with resolving this challenge, but the work is on schedule.

Work Plan: By the end of the July, the compilation of statutes, administrative regulations, and litigation will be complete and ready to be combined with the state-by-state narrative compiled by Eagleton. That will form the basis for the analysis and recommendation of alternative approaches for provisional voting required under Task 3.5.

SURVEY OF COUNTY ELECTION OFFICIALS

This survey will help the research team understand more about such key topics of interest as:

- "How did the experience of provisional voting vary between states that previously had some form of provisional voting and those where provisional voting was new in 2004?"
- "Did state and local processes provide for consistent counting of provisional ballots?"
- "Did local officials have a clear understanding of how to implement provisional voting?"

The survey results will supplement the information on these topics from the compilation of statutes, regulations and cases and from the narrative we are constructing for each state.

024558

Description: The Center for Public Interest Polling (CPIP) at Eagleton is conducting a national survey of county election officials to measure several aspects of provisional voting. The survey is designed to determine the following factors related to provisional voting at the county level:

- The content and quality of instructions provided to county officials by the states
- The steps taken by county officials to pass information on to poll workers;
- Differences in experience between states new to provisional voting and those that had some form of provisional ballot before HAVA; and
- Recommendations to improve and/or reduce the need for provisional voting

Progress: The survey instrument is complete. CPIP has compiled a list of election officials at the county level and at the municipal or regional level for states that do not assign the election responsibility to counties. It was forwarded to the call center, Schulman, Ronca & Bucuvalas Inc., (SRBI) the week of July 5, 2005. A sample will be drawn the week of July 12. Human Subjects Approval from Rutgers University was granted July 12. Pre-notification letters will be sent to election officials around July 12-13, 2005. The EAC has reviewed a draft of this letter, which we have now revised to make clear that the survey will increase our understanding of the provisional voting process, but is not being conducted on behalf of the EAC.

Challenges: We made special efforts to expedite Human Subject Approval to meet the schedule in the work plan. In the absence of an existing, reliable database of local election officials, we had to create one especially for this project. In order to provide a valid comparison between the states new to provisional voting with those that previously had some form of provisional ballot we doubled the sample size from 200 to 400. This increase will require an increase in the budget for the survey from \$15,000 to about \$24,000. We intend to reallocate costs within the existing budget to make this improvement possible, and will submit a letter describing the reallocation to the EAC in mid-July.

The sample has been, and will continue to represent the biggest challenge in this survey. Compiling the sample required substantial coordination and research to determine the accuracy of the identity and contact information for potential respondents. The difficulty in determining the appropriate contact is attributed to variation in county election officials' titles, jurisdiction types, and state and county election structures across the country. In addition to the potential pitfalls of reaching the appropriate county official, another factor in actually making contact with this special population will be dependent upon the hours that they keep, and may be hindered by the summer season.

Work Plan: This questionnaire will be pre-tested by July 15, and will field July 18 through August 5, 2005. This is somewhat later than projected in the revised work plan, but the information will arrive in time to be considered in drafting the analysis and alternatives document required under Task 3.5.

024559

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. During the reporting period, we have made substantial progress in the first two tasks, which constitute the information-gathering phase of the work on Voter ID. The research of Voter ID requirements is proceeding concurrently with our work on the experience of provisional voting.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation. When complete, this information will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: A team of Election Law@Moritz faculty, executive administrator, a reference librarian, and several research assistants is compiling statutes on Voter Identification, and providing a summarized analysis of this research.

Progress: The Moritz team has created a 50-state chart to record data on voter identification. Categories for which state statutes and administrative regulations are being reviewed include: “*Who is required to present ID*”, “*Types of ID required*”, and “*Consequences of having no ID*”. We have completed the initial research for 45 states and have collected the voter identification statutes for those states. An Election Law@Moritz Fellow is conducting an academic literature review on voter identification. This literature review will help shape the analytical framework that will guide us when the compendium of statutes and administrative regulations is complete.

Challenges: Identifying the relevant statutes has been challenging because of the different terminology used from state to state to codify voter identification issues, and because many states have scattered election law provisions throughout their codes. This variety from state to state makes creating a snap-shot view across states a challenge.

Projections: At the current rate, a draft of the voter identification chart should be complete on schedule, by the end of July. Work on the literature review will continue into August, but will be available to inform the analysis of alternative approaches for voter identification called for by Task 3.12 of the contract.

SUPPLEMENTS TO LEGAL ANALYSIS

To supplement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter in the states; and second, estimating the effect on turnout of voter id requirements. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern with more rigorous identification requirements for all voters. We are following these developments both to

monitor possible secondary effects of HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

Individual narratives for the states with significant activity in voter ID will provide a resource for understanding the wide range of experience in the 2004 election. The narratives will include an appraisal of the prevalence and nature of vote fraud, a focus of the concern with increasing the rigor of voter ID requirements. This work is on schedule to be completed by the end of July. The next key milestones will be the completion of the state database and drafting the first narratives.

VOTER ID AND TURNOUT ANALYSIS

The second supplemental analysis will provide objective information on a contentious feature of the debate over voter ID in the states: the effects of more rigorous voter ID regimes on voter turnout and the relationship between the voter ID regime and vote fraud. As part of this effort, Eagleton is undertaking a statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters.

Description: We are creating a database and gathering statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. Analysis on the county-level will enable us to estimate the influence of ID requirements on various age groups, races, ethnicities and gender groups. We are compiling data from both the 2000 and 2004 Presidential elections to measure the effect that changes in ID requirements may have had on voter turnout through two national election cycles.

Progress: The structure of the database is complete. It contains demographic information from the Census, and turnout data from various sources. The researcher assigned to this task is devising the syntax that will be required to run the statistics when the dataset is complete. The methodology for this part of the study is complete, and the actual data collection will soon be finished.

Projection: We are waiting for the Census Bureau to release the 2004 County Demographic Estimates. We have ordered and await the arrival of 2 datasets that contain voter turnout and voter registration numbers on the county-level for both the 2000 and 2004 elections. Once these two sources of information are received, the researcher will insert this information into the existing database, clean up the dataset, and begin to run the statistics. By that point, the researcher will have separated the states into various ID-requirement groupings that have been determined by the team, which will require coordination with several other parts of the study. This work is on schedule. By the end of July, the researcher should have county-level and state-level statistics on the impact of each ID system upon turnout, analyzed through various demographic features on the county-level.

Task 3.11 Public meeting on Voter Identification Requirements

Description: We are working closely with EAC staff, particularly the General Counsel, to plan a half day public meeting on Voter ID requirements. Presentations at the meeting will form an important part of the information we are compiling about Voter ID requirements and the strengths and shortcomings of a range of alternative approaches.

Progress: We have recommended a focus on the debate over Voter ID now underway in the states. To provide a vivid picture of the debate, we have recommended that one panel include legislators on opposite sides of the issue from two different states. Our research identified Mississippi and Wisconsin as two states to focus on, and we have recommended specific legislators from each. We have discussed with staff adding a researcher to the panel to put the debate in Wisconsin and Mississippi in either a national or historic context. We also recommended two researchers from contrasting points of view, to address the effects of Voter ID provisions under HAVA and broader provisions that are now the subject of national debate. EAC staff recommended a panel of two state election directors to address the interaction of Voter ID with HAVA. We are awaiting a decision on our recommendations from EAC staff. We have no reason not to believe that the work is on schedule to be completed in time to organize a productive meeting on July 28.

Challenges: The date and location of this hearing has been changed twice since the beginning of the project. It was originally scheduled to take place in late June, but was rescheduled for July to allow the June hearing to focus on voting machine technology. The regular meeting was rescheduled for July 26 in Minneapolis, and was recently changed to July 28 in Pasadena. The changes in the scheduling of the July meeting have complicated our choice of panelists. More seriously, the changes mean that information from the hearing will not be available as early in the research process as contemplated in the contract. This timeframe will now require the team to summarize the hearing events at the same time that we are drafting the analysis and alternatives paper in early August.

Additionally, while our contract states that the "Contractor shall be responsible for all aspects of planning and conducting this hearing in consultation with the EAC," we have been asked only to make recommendations of topics and panelists, and the arrangements for the organization of the hearing are in other hands. This lack of clarity has caused some confusion and has delayed invitations to panelists. Thanks to frequent communication with members of the EAC, the process now seems to be working smoothly.

Projection: We believe the work is on schedule for completion in time to recruit the panelists for the July 28 hearing. Preparation of the hearing summary will likely be delayed because of the need to complete the analysis and alternatives paper.

PROJECT MANAGEMENT

Immediately after announcement of the award of the contract, Eagleton and Moritz began supplementing the core group that had prepared to proposal to building a highly qualified team to undertake the work. That team was in place by mid June, just a few weeks after the contract award.

As described in the proposal, the direction of the project is the responsibility of a five-person committee of faculty and staff from Eagleton and Moritz, chaired by Dr. Ruth Mandel, Director of the Eagleton Institute of Politics. Project Director Thomas O'Neill, a consultant to Eagleton, reports to this team and provides day-to-day guidance and coordination for the research. A weekly meeting of all the researchers engaged in the project is the primary means of coordinating the work. We have recently added an internal website to facilitate the review and revision of written materials.

Task 3.1 Update the Work Plan

The first task was completed on time with the submission of a detailed work plan and timeline. EAC staff requested that the work plan be supplemented with a Gantt chart created on MS Project, and we submitted that a few days later.

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). The EAC indicated at our first meeting in May that it would review our recommendations for members of the PRG. Our initial vision of the PRG was a small group of scholars and representatives of advocacy organizations that would comment on the research design, review drafts of our analyses and reports, and, in general, identify areas of the research that should be strengthened and help us improve the breadth, depth and clarity of reports based on that research.

Progress: Upon reflection, the project team agreed that the PRG should not include representatives of advocacy groups. We concluded, as representatives they would feel obligated to act as advocates for positions already taken by their groups. While advocacy organizations should be consulted as stakeholders during the course of our work, they were unlikely to achieve the goals we had in mind for the PRG as a source of advice on research design, methodology, and analysis. We submitted a revised list of potential members, substantially comprised of academics, to EAC for review.

The EAC responded with suggestions concerning both the balance of the PRG's membership and the creation of additional committees to review our work. We answered with an analysis of the cost and time involved adopting the EAC's suggestions as well as with suggestions for a balanced selection of academics for the Peer Review Group. We have not received response on this correspondence from the EAC, and the recruitment of the group is on hold.

024563

Challenges: Communications on this issue with the EAC have not been clear or timely. The PRG should be in place now to comment on our research design while there is still time to refine it. While we are confident in the quality of our work, the wisdom and perspective of the outstanding candidates we have proposed for membership would strengthen the analysis and reports of our work.

Projections: We have effectively brought these challenges to the attention of EAC staff and look forward to a resolution speedy enough to allow recruitment of the PRG's members before the end of the month. If we meet that goal, the work of the PRG will be about 2 weeks behind the milestones indicated in the work plan.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and a website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law will be merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding provisional voting and voter identification.

Progress: The Moritz team has provided Eagleton staff with samples of the work that they are performing. An Eagleton staff member will be reviewing the content and formats of data from all supporting research and (re-)formatting once the work has been completed. The researchers and staff at Eagleton have created a shared folder on the Institute's server for the safe storage of work and access for those staff members. All of this work is being reviewed by the project team to ensure that a broad survey is being performed.

Challenges: There are no evident challenges to this task at this time.

Projections: By the end of July 2005, much of the above referenced research will have been completed with respective materials and charts near completion. At that time, staff at Eagleton will review, combine and format all documents and materials in preparation for our final reporting to the EAC.

INTRANET

Description: A trial Intranet for the project became available during the week of June 26. The Intranet will facilitate the exchange of information and collaboration among project participants.

Progress: After meetings with staff members of Rutgers University Computer Services (RUCS) and subsequent submission of a proposal by RUCS for technical support and hosting of the Intranet and the evaluation of alternative commercial services, the project team decided at its June 28th meeting to publish the Intranet through www.intranets.com,

one of the leading commercial services. This decision was based on lower costs and earlier publication schedules than offered under the RUCS proposal. The Intranet services were evaluated during a free trial period, which demonstrated the ease of design and navigation of the proposed service.

Challenges: There are no immediate challenges to completion of this task by the timeframe specified below.

Projections: Design, testing and publication of initial content of the Intranet service is continuing, with all participants expected to be provided access by July 8, 2005.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Given that the report reflects the first month of the project, several procedures for payment of subcontractors on the project were initiated. Expenses related to those members of the team are not reflected in this report because they have not yet been incurred.

Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project inception through June 30, 2005, is attached.

024565

Karen Lynn-Dyson/EAC/GOV

To [REDACTED]

cc

07/23/2005 07:01 PM

bcc

Subject Re:

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tom O'Neill" [REDACTED]

Sent: 07/19/2005 02:31 PM

To: Karen Lynn-Dyson

Cc: arapp@rci.rutgers.edu

Karen:

As we discussed on Tuesday morning in the teleconference, we would like to reallocate within the current budget \$9,500 to the survey of local election officials. This will raise the budget for the survey to \$24,500 from \$15,000.

The additional funding will permit us to double the sample of local election officials from 200 to 400. The larger sample will allow more detailed comparisons between the experience of local election officials in states that offered some form of provisional ballot before HAVA and those that did not. This comparison is a topic of special interest identified in the contract.

The increase of \$9,500 is based on an estimate made by SRBI, the contractor that will actually administer the interviews. I can furnish you with a copy of the estimate if you like. We believe the additional funds will improve significantly our ability to provide relevant analysis to EAC on this important issue.

Tom O'Neill

024566

Karen Lynn-Dyson/EAC/GOV

To "Tom O'Neill" <[REDACTED]>

07/29/2005 01:54 PM

cc

bcc

Subject Re: Meeting with EAC

Will check calendars on Monday and will let you know

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: "Tom O'Neill" [REDACTED]

Sent: 07/29/2005 01:32 PM

To: Karen Lynn-Dyson

Subject: RE: Meeting with EAC

Karen,

Thanks for the email. No need to resend the original email from Washington. I received that shortly after you sent it. That email let us know that EAC would not need the research on ballot design that Tom Wilkey suggested we undertake and that you asked us to submit a proposal for. But the ballot-design issue was only one of the two topics raised by my email to you. The other question concerned a date to meet with EAC staff to discuss the forthcoming draft of our Analysis and Alternatives paper and an outline for the Preliminary Guidance Document. From our conversation yesterday, I understand that August 26, the date suggested, will not work because of the EAC's travel schedule. Please let me know if August 30, 31 or September 1 are possible for a meeting between the project team and EAC in Washington. The meeting would require perhaps 2 hours.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

Sent: Thursday, July 28, 2005 4:16 PM

To: Tom O'Neill

Subject: Re: Meeting with EAC and Ballot Design

I'm sending another note on this. Will send the original email when I return to dc. Eac staff agree that. Such an exploration of provisional ballots and their design should not be undertaken with this

024567

Karen Lynn-Dyson/EAC/GOV
08/01/2005 06:12 PM

To "Tom O'Neill" <[REDACTED]>
cc Thomas R. Wilkey/EAC/GOV@EAC, Juliet E.
Thompson/EAC/GOV@EAC, Adam
Ambrogio/EAC/GOV@EAC
bcc Paul DeGregorio/EAC/GOV@EAC
Subject RE: Meeting with EAC [REDACTED]

Tom-

I will be in touch shortly with possible dates in very late August or early September, when EAC staff might be available to meet with Eagleton to discuss the project's research results and next steps.

In the meantime, I thought it was important to follow up on the issues Vice Chair DeGregorio raised while we were in Pasadena.

To be certain that I have the latest information, could you send to me the final list of the Eagleton/Moritz Peer Review Group and the list of organizations that Eagleton will be contacting for input?

Regards-

Karen

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024568

Karen Lynn-Dyson/EAC/GOV
01/13/2006 03:52 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: No Cost Extension Request

John-

Thanks ever so much for all your work on this. As you can see, contracts are a bit of a different animal than grants.

Will incorporate this information into my materials, and recommend the extension of the contract to March. Still no word on the best practices document; you and Tom will be the first to know (smile).

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>
01/13/2006 01:15 PM
Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Lucy Baruch" <baruch@rci.rutgers.edu>
Subject No Cost Extension Request

Karen - I am attaching a spreadsheet providing the information you have requested (Attachment 1), but I want to highlight a few points which may not be immediately self-evident.

First, the original budget (Attachment 2) we submitted to the EAC, dated March 22nd, did not itemize personnel expenses by each person. In addition, when we actually began work two months after submitting that budget, we decided to reallocate more time to people within Eagleton and hire fewer outside hourlies.

Second, in the figures I sent you in late December we tried to account for all the expenses and projections but overlooked a few things including neglecting to include the honoraria for our peer review team. Hence, the figures we're now sending are different than what I sent in December.

Lastly, we originally discussed a no-cost extension through February, but since we don't yet have the EAC comments on our draft Provisional Voting material nor an estimate of when they are likely to be ready, I think it is prudent to extend the no-cost extension through March 31st. We would still like to conclude by the end of February, but if you can approve the extension for another month we could avoid going through

024569

this process again if everything is not complete six weeks from now.

It is my understanding that Rutgers will soon be sending our December invoice. At this time, I would also like to request that we combine January and February an invoice the EAC once for that time period.

As you can see, we are currently projecting an ending balance of approximately \$10,000. If additional expenses are incurred beyond what is currently projected, we're confident they will not exceed the original budget of \$560,002.

Thanks and I look forward to hearing from you.

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

024570

Karen Lynn-Dyson/EAC/GOV

01/18/2006 05:08 PM

To [REDACTED]

cc john.weingart@rutgers.edu

bcc Thomas R. Wilkey/EAC/GOV@EAC

Subject Re: December Progress Report 

Tom and John-

You should be hearing from either Tom Wilkey, EAC Executive Director, or myself, very shortly.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill" [REDACTED]

01/17/2006 02:19 PM

To klynndyson@eac.gov

cc john.weingart@rutgers.edu

Subject December Progress Report

Karen,

Attached is our progress report for December. Still eager to learn the schedule for the completion of the review of our analysis and recommendations on provisional voting.

Tom O'Neill



Progress ReportDecemberTON.doc

024571



EAGLETON INSTITUTE OF POLITICS

*Contract to Provide Research Assistance to the EAC For
the Development of Voluntary Guidance on Provisional
Voting and Voter Identification Procedures*

MONTHLY PROGRESS REPORT
December 2005

For
UNITED STATES ELECTION ASSISTANCE COMMISSION
1225 New York Avenue N.W., Suite - 1100
Washington, DC 20005

January 16, 2006

Prepared by:
Eagleton Institute of Politics
Rutgers, The State University of New Jersey
191 Ryders Lane
New Brunswick, NJ 08901-8557

024572

OUTLINE

- Introduction
- Provisional Voting
 - Task 3.7
 - Task 3.8
- Voter Identification Requirements
 - Task 3.10
 - Task 3.11
- Project Management
 - Task 3.1
- Financial Report

INTRODUCTION

This report describes our progress from December 1 through December 31, 2005. It includes brief descriptions of key tasks; progress made; challenges encountered or anticipated; milestones reached; and projections for work to be completed in the coming month.

In December we continued to make progress in the research needed for the draft report on voter identification requirements. We completed a careful review of data on the effect of various voter id regimes on turnout and worked to reconcile that information other sources and identified the latest, most reliable information to use in the analysis.

We still await the EAC's comments on our Provisional Voting analysis paper, which included our recommendations to the EAC for best practices. Since the submission of our Provisional Voting report to the EAC on November 28, 2005, our efforts have been entirely aimed at the completion of the voter identification research. We have been advised that EAC will take several weeks to review and react to our final draft on provisional voting.

As a result of such unanticipated delays we have revised the schedule for the project. Early in this reporting period, we requested from EAC a no-cost extension of the contract through the end of February. At this point, we have extended the no-cost extension request through March, so that we will have adequate time to revise our report once we receive feedback from the EAC.

In the meantime, as we await a response from the EAC, we are moving ahead quickly on the statistical analysis of voter identification data and summarizing the legal research that was

completed earlier. We are working with the Peer Review Group to arrange a date for it to comment on the draft of the Voter ID analysis and recommendations.

This Monthly Progress Report is divided into 3 sections: Provisional Voting, Voter Identification Requirements, and Project Management. Each section references specific tasks described in paragraph 3 of the contract. The Financial Report will be sent separately by the Rutgers Division of Grant and Contract Accounting.

Please direct questions or comments about this report to [REDACTED]
[REDACTED]

PROVISIONAL VOTING

Tasks 3.4 – 3.9 in our contract relate to Provisional Voting. Task 3.4 was completed in August, and Tasks 3.5 and 3.6 were completed in November. We await comments from EAC on the draft report.

Task 3.6: Prepare preliminary draft guidance document.

The report and recommendations which were sent to the EAC on November 28, 2005 recommends against the adoption of a guidance document per se and advises that the EAC adopt its recommendations as best practices. That recommendation followed agreement by the EAC with that course of action. The submission of that report and recommendations, however, constitutes the document required under this task. Before proceeding to Task 3.7 (revise the guidance document for publication) or 3.8 (arrange a public hearing on the draft guidance), we await the EAC's decision on how to proceed.

VOTER IDENTIFICATION REQUIREMENTS

The contract lists 7 tasks (3.10 – 3.16) related to Voter Identification Requirements. The research on Voter ID requirements is proceeding concurrently with our work on the experience of Provisional Voting, and is the principal focus of our research at this time.

Task 3.10: Legislation, regulations, and litigation

The research team at the Moritz College of Law has the lead responsibility for the collection and analysis of legislation, administrative procedures and litigation with regard to Voter Identification Requirements. This collection of material is nearing completion. It will constitute the compendium of legislation, administrative regulations, and case law called for under this task.

Description: The Moritz team has compiled statutes on Voter Identification, and will provide a summarized analysis of this research to the project team for review.

Progress: We have completed: the 50 state (plus D.C.) chart, the collection of voter identification statutes for all states and D.C., and summaries of the existing voter identification statutes. Moritz has completed its review of voter identification litigation and has summarized the results in a memo. Moritz and Eagleton have reviewed all research, clarified the categorization of that research on our charts, and reconciled the research categories used in the two different analyses.

Challenges: The biggest challenge in the reconciliation process is understanding the comparative strengths of different primary source materials. Despite the necessity this has created to reconcile conflicting data from time to time, the collaboration has strengthened the rigor of our efforts by shining a light on the raw data.

Work Plan: During January, we will continue our analysis of our voter identification research, and we will complete the memo summarizing the major litigation surrounding voter identification requirements. We will identify the most important issues and best practices in the area of voter identification, and to develop our voter identification document for the EAC.

RESEARCH EFFORTS

To complement the legal analysis, the Eagleton team is undertaking two research efforts: First, compiling information on the debate over voter ID in the states; and second, estimating the effect on turnout of different voter ID regimes. Tracking the continuing political debate over voter identification reveals that the relatively narrow HAVA requirements for voter identification have apparently sparked in many states a broader concern and a sharp political debate over rigorous identification requirements for all voters. The research follows these developments both to monitor possible secondary effects of

HAVA on voter ID, and to provide a rich collection of alternative approaches for consideration.

In the upcoming month, Eagleton will continue to examine and categorize voter registration forms across the states to see what forms of identification are requested from mail-in registrants in order to highlight how easily accessible states make information about voter identification. The difficulty will be determining the 2004 status of the states, especially because most of this material is gathered from state websites which at this point have been updated since 2004.

VOTER ID AND TURNOUT ANALYSIS

The statistical analysis to gauge the effect of a state's voter ID regime on turnout, especially turnout by minority and elderly voters, as projected, was completed during the month of December.

Description: We have created a database and gathered statistics on the effects of state-level voter identification requirements on voter turnout at the county-level in the 2004 election. In November, we have analyzed both aggregate- and individual-level data to determine whether there is any relationship between voter turnout and the various forms of voter identification states require.

Progress: During December, the analysis was completed for two data sets: County-level data that includes registration and turnout rates for 2000 and 2004, as well as Census measures and indicators of the type of voter identification requirements that were in existence at the time of the 2004 presidential election. The second data set consists of the voter supplement to the November 2004 Current Population Survey. This data set allows for testing of the same hypotheses at the individual level. The findings from the aggregate data set suggest that voter ID requirements have their greatest effect at the registration stage, as opposed to the turnout stage. A number of control variables were added to the analysis and the results of these efforts will be summarized in our report.

Challenges: These analyses use hierarchical linear modeling. Because voter identification requirements vary by state, one must pay special attention to other, unseen state-level influences on the data. The models are difficult to run and interpret, so the analyses are time-consuming.

Work Plan: We will draft the findings from the statistical analyses by the end of January. The report will tie these findings to the research findings summarized in the litigation memos to create our first draft Voter Identification report.

PROJECT MANAGEMENT

PEER REVIEW GROUP

Description: A feature of our proposal was the creation of a Peer Review Group (PRG). It reviews our research and methodology and provides valuable feedback and suggestions for the direction of our work.

Progress: During the month of December, Eagleton contacted the PRG Members to reschedule the potential conference call session for mid-February due to the delays in getting the EAC's feedback on our report. We have asked the PRG members to reserve a couple of dates in mid-February for a conference call meeting to review the Provisional Voting report with the EAC's comments and the first draft of our Voter Identification Report.

Challenges: No new challenges were encountered during December.

COORDINATION AND INFORMATION MANAGEMENT

Collecting and merging information and data from myriad sources is a demanding requirement of this research. We have developed two principal mechanisms to facilitate the analysis of the material collected or created in the project: an information system and an internal website for easy access to drafts and reports.

INFORMATION SYSTEM

Description: The statutory data and reports prepared by the Moritz College of Law is being merged with the political and procedural data and analysis prepared by the Eagleton Institute of Politics to provide a cohesive final product to the EAC, which will include a compendium of case law and statutes regarding Provisional Voting and voter identification.

Progress: At this point in the research process, many documents are complete after a lengthy process of circulating drafts among team members. We have reorganized our system by separating final drafts from earlier versions of documents, discarding dated files contained in the Information System, and updating the system as a whole. Upon their completion, new documents continue to be added. During December we rearranged the folders on the hard drive and created a master document detailing which folder each report, memo, or data source could be found in.

Projections: The entire project team continues to use the Information System which contains the above referenced research, in working toward the preparation for our final reports to the EAC.

INTRANET

Description: All project team members have signed on to the Intranet site, and regularly post drafts, completed materials and spreadsheets online for internal review. The Intranet facilitates the exchange of information and collaboration among project participants.

FINANCIAL REPORT

The financial reporting for this project is supervised and prepared by the Division of Grant and Contract Accounting (DGCA) at Rutgers. Financial reporting on grant accounts is limited to actual expenses that have been incurred during the reporting period. Our contact at DGCA is: Constance Bornheimer, (732) 932-0165, EXT. 2235.

A detail of expenses incurred from project December 1- December 31, 2005, will be sent under separate cover to: Ms. Dianna Scott, Administrative Officer at the EAC.

Karen Lynn-Dyson/EAC/GOV

01/24/2006 11:13 AM

To Amie J. Sherrill/EAC/GOV@EAC, Nicole
Mortellito/CONTRACTOR/EAC/GOV@EAC
cc Tamar Nedzar/EAC/GOV@EAC

bcc

Subject Material related to the Eagleton no-cost extension

All-

Attached please find the documents necessary to complete the filing of the no-cost extension (minus the Standard Form 30, which Nicole has).

The packet should be prepared for the Chair's signature and completed no later than Thursday of this week.

Eagleton has been waiting for this for a month now, and apparently Rutgers is demanding the info (since the contract technically ended December 31).

Thanks for helping me push this through.

K




12-8-05Eagleton Memo.doc Attachment 1-EAC Eagleton Institute budget for no-cost extension-1.xls



Attachment 2-EAC Eagleton Institute Budget 3-22-05-1.xls Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024579

Karen Lynn-Dyson/EAC/GOV
01/24/2006 12:50 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension status 

John-

The papers are now with the Chair (Paul DeGregorio) for his signature.
I have asked that the process be completed not later than Thursday.

K
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024580

Karen Lynn-Dyson/EAC/GOV
01/25/2006 01:49 PM

To john.weingart@rutgers.edu, Tamar Nedzar/EAC/GOV@EAC
cc "Lucy Baruch" <baruch@rci.rutgers.edu>
bcc
Subject Re: no-cost extension

I believe this is an error, and in fact, should say March 31.

I'll check with the law clerk who is helping me usher this through.

Thank

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

01/25/2006 01:46 PM

Please respond to
john.weingart@rutgers.edu

To "Karen Lynn-Dyson" <klynndyson@eac.gov>
cc "Lucy Baruch" <baruch@rci.rutgers.edu>
Subject no-cost extension

Karen - I just received a fax of the no-cost extension request. The last line of section 14 refers to a completion date of February 13. Is it possible to change that to the date we had requested, March 31? If the answer to that question will take some time, we could process this paper through the University (Our Office of Research and Sponsored Programs has to provide the requested signatures) and then process a subsequent page extending from Feb 13 to the end of March.

Thanks, John

--

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

024581

Karen Lynn-Dyson/EAC/GOV

02/06/2006 12:01 PM

To Thomas R. Wilkey/EAC/GOV@EAC

cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC


bcc

Subject Discussion of Eagleton at Thursday's Commissioner's
meeting?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024582

Karen Lynn-Dyson/EAC/GOV
02/06/2006 12:25 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension 

John-

I assume the no-cost extension process is now completed.


I am told that review of your Best Practices document will be completed this week.

Regards-

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024583

Karen Lynn-Dyson/EAC/GOV
02/06/2006 03:07 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: no-cost extension 

John-

Could I get a brief explanation of the request for the combined invoice?

I don't believe its a problem, but the contract does stipulate monthly invoices.

I'll check into this.

K

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024584

Karen Lynn-Dyson/EAC/GOV
02/10/2006 05:07 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: signed contract amendment 

Yes, I think that would be a good idea

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024585

Karen Lynn-Dyson/EAC/GOV
02/16/2006 05:09 PM

To "Tom O'Neill" [REDACTED]
cc arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, foley.33@osu.edu,
ireed@rutgers.edu, "Johanna Dobrich"
bcc
Subject RE: January Progress Report [REDACTED]

Shall we say February 28 at 3:00 PM?

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"
[REDACTED]
02/16/2006 03:33 PM

To klynndyson@eac.gov
cc "Tim Vercellotti" <tim.vercellotti@rutgers.edu>,
arapp@rci.rutgers.edu, davander@eden.rutgers.edu,
dlinky@rci.rutgers.edu, ireed@rutgers.edu,
joharris@eden.rutgers.edu, john.weingart@rutgers.edu,
rmandel@rci.rutgers.edu, "Johanna Dobrich"
<jdobrich@eden.rutgers.edu>, tokaji.1@osu.edu,
foley.33@osu.edu, [REDACTED]
Subject RE: January Progress Report

Karen, I'll survey the group about the best time for a conference call. The 24th does not look like a good time. We have a teleconference with the Peer Review Group on the Voter ID paper scheduled for Feb. 22, and therefore would be hard-pressed to review the précis of your comments in time for a discussion on the 24th. The next week would be more promising, perhaps Tuesday, Feb 28 in the afternoon.

We still plan to deliver the Voter ID paper to you the first week in March.

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]

024586

Karen Lynn-Dyson/EAC/GOV

02/21/2006 02:22 PM

To "Tom O'Neill" <[REDACTED]>

cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Eileen L. Collver/EAC/GOV@EAC, Nicole

bcc

Subject Re: Meeting with EAC in March [REDACTED]

Tom-

I will begin to poll the Commissioners to get a sense of when they might be available to do a "close out" meeting with Eagleton.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" <[REDACTED]>



"Tom O'Neill"

<[REDACTED]>

02/21/2006 10:45 AM

To klynndyson@eac.gov

cc

Subject Meeting with EAC in March

Karen,

The Eagleton-Moritz team would like to schedule a meeting with the EAC in March. It would be the final substantive meeting on our contract, which expires at the end of March.

The agenda would include:

1. Brief the Commission on the principal findings and recommendations of the Voter ID research and hear questions and comments on that work.
2. Discuss the changes we made to the Provisional Voting paper as a result of comments and questions from the Commission.
3. Explore the Commission's intentions for the use of our work as recommendations for best practices or otherwise.

024587

I believe the meeting should take place after you receive the Voter ID paper from us in the first week of March, and ideally after the Commission staff has had enough time for a preliminary review of it.

The earlier we could set a date for this meeting, the more key members of the team would be able to participate.

Tom O'Neill

Karen Lynn-Dyson/EAC/GOV

02/28/2006 09:24 AM

To Adam Ambrogi/EAC/GOV@EAC, Elieen L.
Collver/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC
cc Raymundo Martinez/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC

bcc

Subject Final meeting with Eagleton

As you know Eagleton is finishing up their project and would like to give us a final report on it.

Are your Commissioners and Tom available to meet on any of the following days from 1:00-2:30:

March 23

March 29

March 30

Thanks

Karen Lynn-Dyson

Research Manager

U.S. Election Assistance Commission

1225 New York Avenue , NW Suite 1100

Washington, DC 20005

tel:202-566-3123

024589

Karen Lynn-Dyson/EAC/GOV
03/02/2006 11:35 AM

To [REDACTED]
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject Re: Meeting with EAC in March

Tom-

I'm going to ask our Research Assistant, Nicole Mortellito to try and work with our EAC Commissioner staff and with you to find a date and time for our close-out meeting.

I have run into a number of snags with schedules and have found that the 30th works for very few on this end.


Nicole, please work with Tom on dates which are either early on in March or the very first part of April.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024590

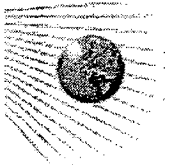
Karen Lynn-Dyson/EAC/GOV
03/02/2006 11:57 AM

To Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
cc
bcc
Subject Re: Meeting with EAC in March 


4 C's, Tom, Julie and myself.

So far the schedules of Tom and the 4C's are the problem
Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Nicole Mortellito/CONTRACTOR/EAC/GOV



Nicole
Mortellito/CONTRACTOR/EA
C/GOV
03/02/2006 11:37 AM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc
Subject Re: Meeting with EAC in March 

Just so I'm not chasing loose ends on the EAC front....EAC staff attending the Eagleton close-out meeting are...

Please advise. Thank you!

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

024591

Karen Lynn-Dyson/EAC/GOV
03/02/2006 11:59 AM

To " [REDACTED]@eac.gov"
cc Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
bcc
Subject RE: Meeting with EAC in March

I'll have Nicole double check on this.

I was under the impression from Ingrid that Eagleton's preference was March 30.

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Tom O'Neill" [REDACTED]



"Tom O'Neill"
[REDACTED]
03/02/2006 11:49 AM

To klynndyson@eac.gov
cc
Subject RE: Meeting with EAC in March

Karen,

Is March 23 now also off the table as a possible date?

Tom O'Neill

-----Original Message-----

From: klynndyson@eac.gov [mailto:klynndyson@eac.gov]
Sent: Thursday, March 02, 2006 11:36 AM
To: [REDACTED]
Cc: nmortellito@eac.gov
Subject: Re: Meeting with EAC in March

Tom-

I'm going to ask our Research Assistant, Nicole Mortellito to try and work with our EAC Commissioner staff and with you to find a date and time for our close-out meeting.

024592

I have run into a number of snags with schedules and have found that the 30th works for very few on this end.

Nicole, please work with Tom on dates which are either early on in March or the very first part of April.

Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123



U.S. Election Assistance Commission
1225 New York Ave. – Suite 1100
Washington, DC 20005

DATE!!!!!!

EAC Advisory 2005-006: Provisional Voting and Identification Requirements

The U.S. Election Assistance Commission (EAC) has recently received an inquiry regarding whether a state may impose an identification requirement that would limit a potential voter's access to a provisional ballot to which he or she is otherwise entitled under Section 302 of the Help America Vote Act (HAVA) (42 U.S.C. §15482). After consideration of the matter, EAC has concluded that Section 302 of HAVA creates a voter right. Specifically, the section creates the right for a potential voter to utilize a provisional ballot in the event their name does not appear on the registration list or the voter's eligibility is challenged by an election official. While States may create voter identification standards that exceed those laid out in HAVA and effect whether a provisional ballot is counted, States may not take action that limits a voter's right to receive and submit a provisional ballot. In explaining this position, this advisory reviews the plain language of HAVA Section 302, examines the differences between traditional and provisional ballots and analyzes the implementation of provisional voting under HAVA Section 303(b). This advisory also addresses the impact of a state's authority to create stricter standards than prescribed by HAVA upon HAVA's provisional voting requirements.¹

Plain Language of HAVA Section 302. The right to cast a provisional ballot is created in Section 302 of HAVA. Pursuant to HAVA, when an individual declares that he or she is a registered and eligible voter in a federal election, that individual "shall be permitted to cast a provisional ballot" if (1) their name does not appear on the official list of eligible voters or (2) "an election official asserts that the individual is not eligible to vote." (Section 302(a)). This right to receive a provisional ballot is contingent upon only one thing (per Section 302(a)(2)), the individual's execution of a written affirmation that he or she is both a registered and eligible voter for the election at issue.² See also, Sandusky County Democratic Party v. Blackwell, 387 F.3d 565, 574 (6th Cir. 2004). However, notwithstanding the above, HAVA goes on to recognize that the right to submit a provisional ballot constitutes neither a means to avoid State imposed voter eligibility requirements nor a vote. Instead, HAVA requires election officials at a polling place to

¹ The EAC is the Federal agency charged with the administration of HAVA. While the EAC does not have rulemaking authority in the area of provisional voting, HAVA does require the Commission to draft guidance to assist states in their implementation of HAVA's provisional voting requirements. Although EAC's administrative interpretations do not have the force of law associated with legislative rules, the Supreme Court has long held that the interpretations of agencies charged with the administration of a statute are to be given deferential treatment by Courts when faced with issues of statutory construction. York v. Secretary of Treasury, 774 F. 2d 417, 419 – 420 (10th Cir. 1985) (citing Compensation Commission of Alaska v. Aragon, 329 U.S. 143, 153 – 154 (1963)) See also Christian v. Harris County, 529 U.S. 576 (2000); Edelman v. Lynchburg College, 122 S. Ct. 1145 (2002).

² Moreover, a potential voter determined not to be eligible must be informed of their provisional voting rights per Section 302(a)(1) of HAVA.

transmit a provisional ballot (or information associated with the written affirmation) to appropriate election officials for verification. (Section 302(a)(4) of HAVA). These election officials ultimately determine the voter's eligibility based upon information presented to or gathered by it, in accordance with State law. In this way, the State determines whether any provisional ballot submitted will be counted as a vote. Id.

In simplest terms, provisional voting represents the right of an individual (whose eligibility to vote has been challenged), to reserve their right to vote and postpone the voter eligibility determination to a time when more perfect or complete information may be provided. See Sandusky County Democratic Party, 387 F.3d at 570 and Florida Democratic Party v. Hood, 342 F.Supp 1073, 1079-1080 (N.D. Fla. 2004). A provisional ballot does not represent a different way to vote, nor does it serve as a bypass to State laws governing voter eligibility. Rather, it is designed to prevent an individual from losing his or her right to vote due to the fact that a poll worker did not have all the information available or needed to accurately assess voter eligibility. Thus, based upon the plain language of Section 302(a) of HAVA, a challenge to an individual's eligibility to vote (such as a challenge based upon identification requirements) cannot serve as a bar to the receipt of a provisional ballot, because it is the election official's challenge that triggers the provisional ballot procedure in the first place. To hold otherwise would defeat the purpose of provisional voting. In the end, to understand this concept one must understand the differences between traditional and provisional ballots.

Traditional vs. Provisional Ballots. The nature and procedures associated with a provisional ballot are wholly distinct from those of a traditional ballot. Because of this fact, the two processes must be treated differently. While voter identification requirements may serve as a bar to the casting of a traditional ballot, they may not prevent the submission of a provisional ballot.

First, the nature and purpose of traditional and provisional ballots are essentially different. The purpose of a traditional ballot is to allow a confirmed, eligible voter to cast a vote. The purpose of a provisional ballot is to allow individuals whose voter eligibility is challenged to reserve the right to vote by memorializing both their intent to vote and their proposed vote. This is evident by the HAVA processes discussed above. The bottom line is that the casting of a proper, traditional ballot constitutes a vote, while the casting or submission of a provisional ballot does not. A traditional ballot is cast only after voter eligibility has been determined by the State. Hence, the moment it is cast, it becomes an individual's vote. On the other hand, the submission or casting of a provisional ballot is not a vote. Rather, it is a claim that the potential voter who submitted it has the right to vote and reserves that right. As the Sixth Circuit Court of Appeals stated:

[T]he primary purpose of HAVA was to prevent on-the-spot denials of provisional ballots to voters deemed ineligible to vote by poll workers. Under HAVA, the only permissible requirement that may be imposed upon a would-be voter before permitting that voter to cast a provisional ballot is the affirmation contained in [42 U.S.C.] §15482(a): that the voter is a registered voter in the jurisdiction in which he or she desires to vote, and that the voter is eligible to vote in an election for federal office. Sandusky County Democratic Party, 387 F.3d at 574.

This goes to the very heart of provisional voting. If provisional voting is a right triggered by an election official's determination that an individual has not met a voter eligibility requirement, how

can such a requirement also serve as a bar to that right? The concept of provisional voting works only if the right is always available when the application of voter eligibility requirements is in question.

Second, consistent with the differences in purpose between traditional and provisional ballots, the other major distinction between the two lies in the application of voter eligibility requirements. This difference is primarily one of procedural timing. States have the right to create voter eligibility requirements and these requirements must be applied to both traditional and provisional ballots. In casting a traditional ballot, one must meet all eligibility requirements prior to receiving the ballot. However, in the provisional process, the potential voter has already failed to meet these preliminary requirements and the application of State law must occur after the ballot has been received. State voter eligibility requirements should be applied after the provisional ballot and/or supporting affirmation has been transmitted pursuant to Section 302(a)(3) of HAVA. Provisional ballots are counted as votes only after election officials have determined that the individual can meet voter eligibility standards consistent with state law. Again, the purpose of the process is to allow election officials more time, so that they may have more perfect information when making a decision about voter eligibility. Provisional ballots are subject to the full effect of State law regarding the eligibility to vote and the opportunity the law provides provisional voters to supply additional information. Provisional ballots do not escape state or federal voter eligibility requirements, those provisional ballots that do not meet State standards will not be counted.

Provisional Voting Under HAVA Section 303(b). Congress provided an example of how provisional voting works by applying the right to a specific circumstance. Section 303(b)(2)(B) of HAVA, entitled *Fail-Safe Voting*, provides that when a first-time voter who registered by mail is required by HAVA Section 303(b) to show identification, that person must be given a provisional ballot if he or she fails to provide such identification at the polling place. This section is important as it clarifies Congressional intent regarding how provisional voting should function.

The *Fail-Safe Voting* provision of Section 303(b)(2)(B) grants clear insight into how provisional voting should be implemented. While Section 303(b) deals with a specific subset of voters (first-time voters who registered by mail), its application of Section 302(a) supports the concept that a provisional ballot must be given to a voter who is determined (at the polling place) not to meet voter identification requirements. A review of the section shows that in the one area where HAVA set a Federal voter identification requirement Congress made clear that an individual's failure to meet this eligibility requirement triggered the statute's provisional voting section. Congress saw no difference between an individual's failure to meet the voter identification requirements it issued in Section 303(b) and the failure to meet eligibility requirements which trigger provisional voting under Section 302. Section 303(b) makes it clear that Congress did not intend voter identification requirements to limit access to provisional voting. Instead, Congress viewed provisional voting as a right, or more specifically, as a fail-safe. The EAC strongly believes that HAVA provisions must be interpreted to bring about consistent and evenly applied results. In this case, if individuals who fail to meet Federal identification standards have the right to a provisional ballot, so must individuals who fail to meet similar State standards.

Stricter Eligibility Standards and Provisional Voting. HAVA specifically provides that States may create stricter voter eligibility standards than provided in HAVA.³ Arizona's "Proposition 200" identification requirements are a prime example of this authority. However, the HAVA authority to create stricter eligibility standards does not grant the state authority to create standards that bar access to a provisional ballot. To interpret HAVA otherwise (i.e. allowing stricter state identification standards to bar access to provisional ballots) would render HAVA's provisional voting mandate (Section 302) void and meaningless. HAVA cannot be read to grant both (1) the right to a provisional ballot if an individual's voting eligibility is challenged by a State and, (2) the right of that State to deny an individual a provisional ballot if they do not meet voter eligibility standards. These concepts are mutually exclusive. HAVA cannot be interpreted to allow a State to create voter eligibility standards that bar the Section 302 right to cast a provisional ballot without nullifying the effect and intent of that provision. Any such interpretation of HAVA would run afoul of both HAVA Section 304 and longstanding principles of statutory construction.

First, HAVA notes in Section 304 that while States may create standards that are stricter than those established under HAVA, this authority is limited to the extent "such State requirements are not inconsistent with the Federal requirements under [HAVA]." Clearly, provisional voting is a requirement under HAVA. Section 302(a) notes that qualified individuals "**shall** be permitted to cast a provisional ballot." (Emphasis added). In this way, States may not create standards that are inconsistent or interfere with the provisional voting mandate.

Furthermore, long established principles of statutory construction further prohibit an interpretation of HAVA that would render any of its provisions meaningless. It is "'a cardinal principle of statutory construction' that 'a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant.'" TRW Inc. v. Andrews, 534 U.S. 19, 31, 122 S.Ct. 441, 151 L.Ed.2d 339 (2001), (quoting Duncan v. Walker, 533 U.S. 167, 174, 121 S.Ct. 2120, 150 L.Ed.2d 251 (2001)).

A Stricter Provisional Voting Standard. As discussed above, States' have the right to impose stricter requirements than those laid out in HAVA. The EAC has already made it clear, above, that a stricter voter eligibility requirement cannot be read to bar an individual's right to a provisional ballot. However, could a stricter requirement regarding provisional voting serve to limit access to such ballots? No. A stricter State requirement for provisional voting would be a standard that enhances a person's access to a provisional ballot. As the Sixth Circuit noted, "HAVA is quintessentially about being able to cast a provisional ballot." Sandusky County Democratic Party, 387 F.3d at 576. "HAVA's requirements 'are minimum requirements' permitting deviation from its provisions provided that such deviation is 'more strict than the requirements established under' HAVA (**in terms of encouraging provisional voting**)...." *Id.*, (quoting 42 U.S.C. §15484, emphasis added). Thus, in terms of provisional voting, a stricter standard is one that serves to further encourage provisional voting. When passing laws affecting provisional voting, States must ensure that their provisions are consistent with HAVA or otherwise serve to further an individual's access to a provisional ballot. EAC concludes that any policy asserting that States may pass laws limiting access to provisional ballots conflicts with HAVA.

³ See 42 U.S.C. §§15485 – 15485, entitled *Minimum Requirements and Methods of Implementation Left to Discretion of State*, respectively.

Conclusion. A state may not impose an identification requirement that would limit a potential voter's access to and submission of a provisional ballot. However, such requirements (when coupled with a state's provisional ballot procedures) may prevent a provisional ballot from being counted.

Gracia Hillman
Chair

Paul DeGregario
Vice Chairman

Ray Martinez III
Commissioner

Donetta Davidson
Commissioner

Karen Lynn-Dyson/EAC/GOV
09/22/2006 01:12 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Peter Schulleri/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
bcc
Subject Re: Fw: Data request from provisional ballot report

Tom-

To clarify-

Would you like me to send Mike McDonald all of the following appendices from the Eagleton/Moritz report:

Appendix B: Relationship Between Time Allotted to Verify Provisional Ballots and the Level of Ballots that are Verified
Appendix C: Provisional Ballot Litigation by Issue
Appendix D: Provisional Ballot Litigation by State
Appendix E: State Summaries

Thanks for clarifying

K

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
08/28/2006 09:39 AM

To Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Karen
Lynn-Dyson/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
cc
Subject Fw: Data request from provisional ballot report

Guess we better agree on the contents of the letter to Eagleton SOON

Thomas R. Wilkey
Executive Director
US Election Assistance Commission

024599

Karen Lynn-Dyson/EAC/GOV
10/02/2006 12:35 PM

To john.weingart@rutgers.edu
cc Bola Olu/EAC/GOV@EAC, Peter Schulleri/EAC/GOV@EAC
bcc Diana Scott/EAC/GOV@EAC
Subject Re: Eagleton/Moritz final invoices

Hi John-

I'm checking to see if you can contact your finance department to determine if EAC has received its final invoice on the Eagleton/Moritz study.

Our financial records show a balance on the contract of \$2,910.77

I need to be able to tell our finance folks how this final balance is going to be handled.

Thanks, John.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024600

Karen Lynn-Dyson/EAC/GOV
10/03/2006 12:43 PM

To john.weingart@rutgers.edu
cc Bola Olu/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC,
Peter Schulleri/EAC/GOV@EAC
bcc
Subject Re: Eagleton/Moritz final invoices

Thanks for your follow-up on this, John.

I will pass this along to the EAC finance department so they may handle these remaining funds accordingly.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

10/03/2006 11:57 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: Eagleton/Moritz final invoices

Karen - The invoice your just received is final. The final invoice we received from Ohio State was less than we had anticipated so the remaining balance is for the EAC to use for other projects. Let me know if you need more information.

-- John Weingart, Associate Director

Eagleton Institute of Politics
(732)932-9384, x.290

klynndyson@eac.gov wrote:

>
> Hi John-
>
> I'm checking to see if you can contact your finance department to
> determine if EAC has received its final invoice on the Eagleton/Moritz
> study.
>
> Our financial records show a balance on the contract of \$2,910.77
>
> I need to be able to tell our finance folks how this final balance is

024601

> going to be handled.
>
> Thanks, John.
>
> Regards-
>
>
>
> Karen Lynn-Dyson
> Research Director
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
10/03/2006 01:33 PM

To john.weingart@rutgers.edu
cc
bcc
Subject Re: Eagleton/Moritz final invoices

Go ahead and give him a call later on this afternoon.

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>
10/03/2006 01:12 PM
Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov
cc
Subject Re: Eagleton/Moritz final invoices

Karen - While we're writing, I had a call last week from Tom Wilkey saying he would get back to me in response to my letter by last Thursday. Is the best thing for me to call him or do you know if a response is in the works?

-- John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

klynndyson@eac.gov wrote:

>
> Thanks for your follow-up on this, John.
>
> I will pass this along to the EAC finance department so they may
> handle these remaining funds accordingly.
>
> Regards-
>
> Karen Lynn-Dyson
> Research Director
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123
>
>
>

024803

> *"John Weingart" <john.weingart@rutgers.edu>*

>

> 10/03/2006 11:57 AM

> Please respond to

> john.weingart@rutgers.edu

>

>

> To

> klynndyson@eac.gov

> cc

>

> Subject

> Re: Eagleton/Moritz final invoices

>

>

>

>

>

>

>

>

> Karen - The invoice your just received is final. The final invoice we

> received from Ohio State was less than we had anticipated so the

> remaining balance is for the EAC to use for other projects. Let me know

> if you need more information.

>

> -- John Weingart, Associate Director

>

> Eagleton Institute of Politics

> (732) 932-9384, x.290

>

>

>

> klynndyson@eac.gov wrote:

>

> >

> > Hi John-

> >

> > I'm checking to see if you can contact your finance department to

> > determine if EAC has received its final invoice on the Eagleton/Moritz

> > study.

> >

> > Our financial records show a balance on the contract of \$2,910.77

> >

> > I need to be able to tell our finance folks how this final balance is

> > going to be handled.

> >

> > Thanks, John.

> >

> > Regards-

> >

> >

> >

> > Karen Lynn-Dyson

> > Research Director

> > U.S. Election Assistance Commission

> > 1225 New York Avenue , NW Suite 1100

> > Washington, DC 20005

024604


> > tel:202-566-3123

>

>

>

Karen Lynn-Dyson/EAC/GOV
10/03/2006 04:48 PM


To Diana Scott/EAC/GOV@EAC
cc
bcc
Subject Re: Eagleton/Moritz final invoices 

Yes, this money can be de-obligated

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Diana Scott/EAC/GOV

Diana Scott/EAC/GOV
10/03/2006 01:10 PM

To klynndyson@eac.gov@EAC
cc
Subject Re: Eagleton/Moritz final invoices 


Karen,

I assume the the remaining \$2,910.77 can be deobligated? Plz. confirm.

Diana M. Scott
Director of Administration
U.S. Election Assistance Commission
1225 New York Avenue, N.W., Suite 1100
Washington, DC 20005
(202) 566-3119 (office)
(202) 566-3127 (fax)
dscott@eac.gov

Karen Lynn-Dyson/EAC/GOV

Karen Lynn-Dyson/EAC/GOV
10/03/2006 12:43 PM

To john.weingart@rutgers.edu
cc Bola Olu/EAC/GOV@EAC, Diana Scott/EAC/GOV@EAC,
Peter Schulleri/EAC/GOV@EAC
Subject Re: Eagleton/Moritz final invoices 

Thanks for your follow-up on this, John.

I will pass this along to the EAC finance department so they may handle these remaining funds accordingly.

024500

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"John Weingart" <john.weingart@rutgers.edu>



"John Weingart"
<john.weingart@rutgers.edu>

10/03/2006 11:57 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc

Subject Re: Eagleton/Moritz final invoices

Karen - The invoice your just received is final. The final invoice we received from Ohio State was less than we had anticipated so the remaining balance is for the EAC to use for other projects. Let me know if you need more information.

-- John Weingart, Associate Director

Eagleton Institute of Politics
(732) 932-9384, x.290


klynndyson@eac.gov wrote:

>
> Hi John-
>
> I'm checking to see if you can contact your finance department to
> determine if EAC has received its final invoice on the Eagleton/Moritz
> study.
>
> Our financial records show a balance on the contract of \$2,910.77
>
> I need to be able to tell our finance folks how this final balance is
> going to be handled.
>
> Thanks, John.
>
> Regards-
>
>
> Karen Lynn-Dyson
> Research Director
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100

024607

> Washington, DC 20005
> tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
10/03/2006 04:52 PM

To "Mike Alvarez" <rma@hss.caltech.edu>@GSAEXTERNAL
cc
bcc Jeannie Layson/EAC/GOV@EAC; twilkey@eac.gov
Subject Re: 

Mike-

We are closer to releasing an EAC report on Provisional Voting.

To my knowledge, the EAC has not yet reached consensus on the Eagleton Voter ID report.

Regards-

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue, NW Suite 1100
Washington, DC 20005
tel:202-566-3123

"Mike Alvarez" <rma@hss.caltech.edu>



"Mike Alvarez"
<rma@hss.caltech.edu>
10/02/2006 10:44 PM

To klynndyson@eac.gov
cc
Subject

Hi -- hope all is well.

I've got a quick question for you. Vercellotti and Anderson have put out for public distribution what looks to be their work from their EAC report on voter identification (<http://moritzlaw.osu.edu/blogs/tokaji/voter%20id%20and%20turnout%20study.pdf>).

Given that this piece of their research project is available, is the rest of their work available for public distribution yet (as you know the VTP is having a conference at the end of this week on voter identification and registration, it would be nice to have access to the EAC research at the conference, even at this late date).

--

R. Michael Alvarez (O)
626-395-4089
Professor of Political Science (F)
626-405-9841
Caltech/MIT Voting Technology Project
California Institute of Technology
Pasadena, CA 91125

024609

rma@hss.caltech.edu

Contributor to Election Updates,
<http://electionupdates.caltech.edu/blog.html>

Karen Lynn-Dyson/EAC/GOV
10/04/2006 02:30 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Sheila A. Banks/EAC/GOV@EAC, Peter
Schulleri/EAC/GOV@EAC
bcc
Subject Re: Eagleton Response



Sheila and Peter-

Could you please confirm precisely which appendices from the Eagleton reports were sent to Tom Hicks and to Mike McDonald?

Many thanks

K

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024511

Karen Lynn-Dyson/EAC/GOV
10/04/2006 03:02 PM

To Thomas R. Wilkey/EAC/GOV@EAC
cc Jeannie Layson/EAC/GOV@EAC, Juliet E.
Hodgkins/EAC/GOV@EAC
bcc Sheila A. Banks/EAC/GOV@EAC; Peter
Schulleri/EAC/GOV@EAC
Subject Re: Eagleton Response



Tom-

As I believe you are aware, The Eagleton Institute 'sTim Vercellotti " Analysis of Effects of Voter ID Requirements on Turnout" was made public at the American Political Science Association meeting and was subsequently referenced on Dan Tokaji's blog.

We have sent the following:

To Mike McDonald:

Appendix C: Provisional Ballot Litigation by Issue

Appendix D: Provisional Ballot Litigation by State

To Tom Hicks:

Appendix A: Summary of Voter ID Requirements by State

Appendix B : Court Decisions and Litigation on Voter Identification and Related Issue Court Decisions

Appendix D: Annotated Bibliography on Voter Identification Issues

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Thomas R. Wilkey/EAC/GOV

Thomas R. Wilkey/EAC/GOV
10/04/2006 01:50 PM

To Karen Lynn-Dyson/EAC/GOV@EAC
cc Juliet E. Hodgkins/EAC/GOV@EAC, Jeannie
Layson/EAC/GOV@EAC
Subject Eagleton Response

Karen;

Could you please put a list of items we have released and what has not been released on the two Eagleton Reports.

024612

I would like to get back to John on this on want us ALL to be on the same page.

Thanks

Tom

Thomas R. Wilkey
Executive Director
US Election Assistance Commission
1225 New York Ave, NW - Suite 1100
Washington, DC 20005
(202) 566-3109 phone
TWilkey@eac.gov

Karen Lynn-Dyson/EAC/GOV

To Matthew Masterson/EAC/GOV@EAC

12/05/2006 01:23 PM

cc Jeannie Layson/EAC/GOV@EAC

bcc

Subject Eagleton/ FOIA request

Matt-

I'm somewhat concerned that perhaps I haven't given Jeannie every piece of Eagleton documentation needed for the FOIA request.

I have literally hundreds of e-mails from Eagleton; the most germane of which are included in the big contract close-out binders (#2,#3).

However, I'm not certain if I should print out all "300" of them.

If you are working on this project, let me know how I should proceed.

Thanks

Karen Lynn-Dyson
Research Director
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

024614



"John Weingart"
<Johnwein@rci.rutgers.edu>

04/06/2006 09:14 PM

Please respond to
John.Weingart@rutgers.edu

To klynndyson@eac.gov

cc [REDACTED]

bcc

Subject Re: Eagleton/Moritz February Report

History:

 This message has been replied to

Karen - I too have heard good reports from the meeting. What's your availability for a phone conversation on Wednesday or Thursday?

> Sorry to have missed you on Monday, John.

>

> I think all of the Commissioners found the sessions extremely helpful and
> are much clearer about the work that has been done on the Voter ID topic.

>

> Shall you Tom and I have a conversation early next week about next steps-
> specifically what you anticipate doing on your end to create final reports
> for both Voter ID and Provisional Voting and what additional feedback, if
> any, you'd like to get from the EAC prior to submitting these final
> reports?

>

> We have talked about the possibility of having you all present your final
> reports at our June public meeting; that idea is still under review,
> however.

>

> Look forward to hearing from you about a call sometime next week.

>

> Please be certain to thank all of the project staff for coming to DC and
> taking the time to meet with the Commissioners.

>

> Regards-

>

>

> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission
> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

>

--
John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

--
John Weingart, Associate Director
Eagleton Institute of Politics
(732) 932-9384, x.290

024615



"John Weingart"
<john.weingart@rutgers.edu>

03/21/2006 11:45 AM

Please respond to
john.weingart@rutgers.edu

To klynndyson@eac.gov

cc "

bcc

Subject Re: Eagleton/MoritzVoter ID Report

History:

✉ This message has been replied to and forwarded.

Karen - Here is a reply to your question. Sorry not to have gotten it to you more quickly.

There are a couple of reasons why we used the CPS. Most importantly, it is a survey of individual voters, as opposed to election officials. The CPS allows us to make inferences about individual-level characteristics (such as the age, race, education and income of each registered voter who responded to the survey), and how those characteristics combine with voter ID requirements to influence turnout. Also, the sample size is large, allowing for reliable analysis of sub-populations (just Hispanic voters, for example). Because of those two factors, most of the scholarly studies of voter turnout and the institutional and individual-level factors that go into turnout use the CPS.

The EAC also might ask why we collected our own aggregate data as opposed to using the results of the Election Day survey. We could provide greater detail if needed, but, in brief, the EAC Election Day Survey draws data from the jurisdiction that handles elections. In many states that is the county, but in the New England states the EAC Election Day Survey uses towns as its unit of analysis. Our aggregate data attempts to match voter turnout data to Census data, which we have gathered at the county level.

Conceivably, we could have gone through and matched Census data to towns for the New England states, but that would have been very time-consuming. Moreover, it would also have posed a problem with the statistical analysis of the aggregate data, which assumes a two-level statistical model with counties as the first level and states as the second level. Inserting a third level of towns just for the New England states would require that each town in each county be coded with vote totals and Census data for each. That would take months.

Let me know if you need additional information or would like to discuss.

Thanks, John

klynndyson@eac.gov wrote:

>
> Quick question-
>
> What was Eagleton's thinking behind using CPS data rather than EAC's
> Election Day Survey for the Voter ID report?
>
> Thanks
>
> Karen Lynn-Dyson
> Research Manager
> U.S. Election Assistance Commission

024616

> 1225 New York Avenue , NW Suite 1100
> Washington, DC 20005
> tel:202-566-3123

Karen Lynn-Dyson/EAC/GOV
03/02/2006 02:04 PM

To Gracia Hillman/EAC/GOV@EAC
cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, DeAnna M.
bcc
Subject Re: Eagleton close-out meeting

Commissioner-

Given travels costs and the number of persons involved from the Eagleton/Moritz team, the idea was to do the two meetings in the same day.

However, I could ask Nicole to determine if there is a day in March that might work with your schedule.

I am very reluctant to schedule a meeting later in April as the contract is technically over March 31 (a Friday). April 3 is the following Monday.

Please advise. Thanks

Karen Lynn-Dyson
Research Manager
U.S. Election Assistance Commission
1225 New York Avenue , NW Suite 1100
Washington, DC 20005
tel:202-566-3123

Gracia
Hillman/EAC/G
OV

03/02/2006 To klynn-dyson@eac.gov
01:57 PM cc Adam Ambrogi/EAC/GOV@EAC, Amie J. Sherrill/EAC/GOV@EAC, Bert A. Benavides/EAC/GOV@EAC,
DeAnna M. Smith/EAC/GOV@EAC, Donetta L. Davidson/EAC/GOV@EAC, Elieen L.
Collver/EAC/GOV@EAC, Juliet E. Thompson-Hodgkins/EAC/GOV@EAC, Paul DeGregorio/EAC/GOV@EAC,
Raymundo Martinez/EAC/GOV@EAC, Sheila A. Banks/EAC/GOV@EAC, Thomas R.
Wilkey/EAC/GOV@EAC, Nicole Mortellito/CONTRACTOR/EAC/GOV@EAC
Subject Re: Eagleton close-out meeting [Link](#)

024618

I thought we were doing two separate time slots so that Eagleton would brief only two commissioners at a time?




Gracia Hillman/EAC/GOV

03/02/2006 01:57 PM

To klynn-dyson@eac.gov

cc Adam Ambrogi/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, DeAnna M.

bcc

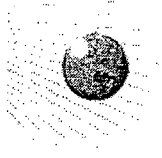
Subject Re: Eagleton close-out meeting 

History:

 This message has been replied to.

I thought we were doing two separate time slots so that Eagleton would brief only two commissioners at a time?

024620



Nicole
Mortellito/CONTRACTOR/EAC
/GOV

03/02/2006 01:16 PM

To Paul DeGregorio/EAC/GOV@EAC, Raymundo
Martinez/EAC/GOV@EAC, Donetta L.
Davidson/EAC/GOV@EAC, Gracia
cc Karen Lynn-Dyson/EAC/GOV@EAC, Amie J.
Sherrill/EAC/GOV@EAC, Bert A.
Benavides/EAC/GOV@EAC, Adam

bcc

Subject Eagleton close-out meeting

A close out meeting with the folks from Rutgers and the Eagleton Institute is being scheduled for April 3, 2006.

After a preliminary survey of your availability with your Special Assistants the time slot of 2:30-4:30 has been chosen for this meeting.

Please confirm that you are able to attend this meeting here at the EAC office if it is held at this time.

Regards,

Nicole K. Mortellito
Research Assistant
U.S. Election Assistance Commission
1225 New York Avenue - Suite 1100
Washington, DC
202.566.2209 phone
202.566.3128 fax

024621